

Record of Conference and Orders: Vera M. Scanlon, USMJDate: 1/25/2018Case: AmadeiCiv. A. 17-5967 (NGG VMS)ECF Recording in 504N:☐ Telephone Conference☒ In-person Conference1135-1200Counsel: (See separately docket entry or document for specific appearances)☒ Counsel for Plaintiff(s) ☐ Pro Se Plaintiff(s) ☒ Counsel for Defendant(s) ☐ Pro Se Defendant(s)Conference Type:☒ Initial Conference ☐ Status Conference ☐ Settlement Conference ☐ Motion Hearing ☐ Discovery Conference ☐ JPTO Conference ☐ Other _____Further to the conference, discovery and other scheduling dates are as follows:

(If dates previously set by the Court are not reset, they remain as stated in the previous order.)

☐ Motions decided on the record☐ Rule 26(a) disclosures, incl. supplements☐ Document requests to be served☐ Interrogatories to be served☐ Amended pleadings, incl. joinder☐ Complaint ☐ Answer☐ Joint status letter ☐ Stip of dismissal to be filed☒ Status conference

Date:

Time:

☐ In person ☐ Telephone (718) 613-2300

To be organized by:

☐ Specific depositions to be held☐ Fact discovery closes☐ Expert disclosures to be served☐ Initial expert report(s) to be served☐ Rebuttal expert report(s) to be served☐ Expert discovery closes☐ All discovery closes☒ Joint letter confirming discovery is concluded☐ Summary judgment to be initiated☐ PMC letter ☐ Briefing☐ Joint pre-trial order to be filed☐ Letter for conference ☐ Proposed JPTO☐ Proposed confidentiality order to be filed☐ Consent to Magistrate Judge to be filed☒ Settlement Conference

Date:

Time:

Vera M. Scanlon, USMJ
Conference Orders, ContinuedCase: Amador Civ. A. 17-5967Date: 1/25 2018Additional Orders:

D failed to participate in the discovery preparation process, without justification. D is on notice that it is expected to participate in the litigation and comply with the Court's orders. Such conduct is not expected to continue.

The stay is denied without prejudice. D may raise the issue with the District Judge during the PRC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KELLEY AMADEI, et al.,

Plaintiffs,

-against-

KIRSTJEN NIELSEN, et al.,

Defendants.

Civil No. 17 Civ. 5967 (NGG)(VMS)

[PLAINTIFFS' PROPOSED]
INITIAL SCHEDULING ORDER

It is hereby **ORDERED** as follows:

- 1) Defendants were to answer or otherwise move with respect to the Complaint by January 12, 2018. Defendants instead filed a letter on January 11, 2018 requesting a pre-motion conference in anticipation of a motion to dismiss. If the Court grants permission for Defendants to move to dismiss, Defendants shall file an answer to the Complaint not later than 14 days following denial of such a motion in whole or in part. If the Court does not permit Defendants to move, Defendants shall file an answer with 10 days of such an order.
- 2) Automatic disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed by February 8, 2018. *except as to provide 22 CB officers now by 2/1/18 French 8*
- 3) Initial document requests and interrogatories shall be served no later than February 15, 2018. If the parties intend to issue interrogatories, they shall serve no more than 25 interrogatories. The parties are aware that the presumptive cap on the number of interrogatories is 25, including subparts.
- 4) No additional parties may be joined once 90 days following the filing of the answer have expired, except that the parties stipulate to the substitution of named CBP officers for defendants JOHN DOE 1 and JOHN DOE 2. After 90 days following the filing of the answer, the parties may either stipulate to the addition of new parties, move to amend the Complaint to name new parties as set forth in the Federal Rules and Paragraph 5 below, or commence motion practice for joinder in accordance with the Individual Rules of the District Judge assigned to this case. ✓
- 5) No amendment of the pleadings will be permitted once 90 days following the filing of the answer have expired unless information unknown to the parties by this date later becomes available to them. By this date, the parties may either stipulate to the amendments of the pleadings or commence motion practice for leave to amend the pleadings in accordance with the Individual Rules of the District Judge assigned to this case.
- 6) Fact discovery closes 120 days after the answer is filed.

Note: Treating physicians who may be called as witnesses, including as expert witnesses, should generally provide their reports or summaries and be deposed during the fact discovery period.

not anticipated but may be revisited.

- 7) As to expert disclosures,
- a) The names, qualifications and area(s) of expertise of initial experts shall be served on or before 130 days after the answer is filed.
 - b) Initial expert witness reports shall be served on or before 160 days after the answer is filed.
 - c) Rebuttal expert witness reports shall be served on or before 180 days after the answer is filed.
- 8) All discovery, including any depositions of experts, shall be completed on or before 120 ~~210~~ days after the answer is filed.

(Generally, this date must be no later than 9 months after the initial conference.)

- 9) On or before 120 ~~215~~ days after the answer is filed, the parties shall file on ECF a joint letter confirming that discovery is concluded.
- 10) Any dispositive motion practice shall be commenced by 150 ~~240~~ days after the answer is filed, within 30 days of the close of all discovery.

Parties shall consult the Individual Rules of the District Judge assigned to this case to determine, inter alia, if a pre-motion conference letter is required before a dispositive motion is filed, whether a Local Rule 56.1 statement shall be submitted with the motion and whether such a motion must be "bundled."

- 11) A proposed joint pre-trial order shall be filed (or if required by the District Judge, a scheduling date must be requested) by 180 ~~180~~ days after the answer is filed, within 60 days of the close of fact discovery.

This date is not stayed during any dispositive motion practice unless ordered by the District Judge assigned to this case or permitted by the District Judge's Individual Rules.

- 12) Do the parties consent to trial before a magistrate judge pursuant to 28 U.S.C. § 636(c)?

a) No X Do NOT indicate which party has declined to consent.

b) Yes _____

If yes, fill out the AO 85 (Rev. 01/09) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge Form and file it on the Court's ECF system. See <http://www.uscourts.gov/FormsAndFees/Forms/CourtFormsByCategory.aspx>

- 13) A discovery status telephone conference/an in-person Status Conference is set for 4/14/18 at 11:00 a.m. 7/1hr. p.m. If a telephone conference is scheduled, the conference call will be arranged and initiated by Plaintiffs or Defendant (circle one) to Chambers at 718 613 2300. A joint discovery status letter must be filed on ECF by 4/12/18

_____ in preparation for the conference. *The Court will schedule these dates.*

- 14) A final pre-trial conference is set for TBD. *The Court will schedule this date.*

- 15) The parties may wish to engage in settlement discussions. To facilitate this process, Plaintiff(s) * agree(s) to make a demand on or before _____, and Defendant(s) agree(s) to respond to the demand on or before _____.

After the parties have exchanged a demand and response, the Parties may request a settlement conference by filing on ECF a letter that requests a conference and informs the Court of at least three dates when all counsel and all parties with decision-making authority (including, if necessary, insurance representatives) are available for an in-person conference. The parties will be required to submit an ex parte settlement statement letter a week before the conference.

- 16) Any additional matters:

This scheduling order may be altered or amended only upon a showing of good cause

based on circumstances not foreseeable as of the date hereof.

Dated: Brooklyn, New York

18/
VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE

CONSENTED TO BY COUNSEL:

Signature: s/ Neil K. Roman

Name: Neil K. Roman

Attorney for Plaintiff(s)

Address: Covington & Burling LLP
620 8th Ave.
New York, NY 10018

E-mail: nroman@cov.com

Tel.: 212-841-1221

Fax: 646-441-9221

Signature: _____

Name:

Attorney for Defendant(s)

Address:

E-mail:

Tel.:

Fax:

(Additional counsel should provide the same information.)